



House of Representatives

General Assembly

File No. 256

February Session, 2014

Substitute House Bill No. 5474

House of Representatives, April 1, 2014

The Committee on General Law reported through REP. BARAM of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT EXEMPTING VETERINARIANS FROM THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (j) of section 21a-254 of the 2014 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (j) (1) The commissioner shall, within available appropriations,
5 establish an electronic prescription drug monitoring program to
6 collect, by electronic means, prescription information for schedules II,
7 III, IV and V controlled substances, as defined in subdivision (9) of
8 section 21a-240, that are dispensed by pharmacies, nonresident
9 pharmacies, as defined in section 20-627, outpatient pharmacies in
10 hospitals or institutions or by any other dispenser, as defined in
11 section 21a-240. The program shall be designed to provide information
12 regarding the prescription of controlled substances in order to prevent
13 the improper or illegal use of the controlled substances and shall not
14 infringe on the legitimate prescribing of a controlled substance by a

15 prescribing practitioner acting in good faith and in the course of
16 professional practice.

17 (2) The commissioner may identify other products or substances to
18 be included in the electronic prescription drug monitoring program
19 established pursuant to subdivision (1) of this subsection.

20 (3) Each pharmacy, nonresident pharmacy, as defined in section 20-
21 627, outpatient pharmacy in a hospital or institution and dispenser, as
22 defined in section 21a-240, shall report to the commissioner, at least
23 weekly, by electronic means or, if a pharmacy or outpatient pharmacy
24 does not maintain records electronically, in a format approved by the
25 commissioner, the following information for all controlled substance
26 prescriptions dispensed by such pharmacy or outpatient pharmacy:
27 (A) Dispenser identification number; (B) the date the prescription for
28 the controlled substance was filled; (C) the prescription number; (D)
29 whether the prescription for the controlled substance is new or a refill;
30 (E) the national drug code number for the drug dispensed; (F) the
31 amount of the controlled substance dispensed and the number of days'
32 supply of the controlled substance; (G) a patient identification number;
33 (H) the patient's first name, last name and street address, including
34 postal code; (I) the date of birth of the patient; (J) the date the
35 prescription for the controlled substance was issued by the prescribing
36 practitioner and the prescribing practitioner's Drug Enforcement
37 Agency's identification number; and (K) the type of payment.

38 (4) The commissioner may contract with a vendor for purposes of
39 electronically collecting such controlled substance prescription
40 information. The commissioner and any such vendor shall maintain
41 the information in accordance with the provisions of chapter 400j.

42 (5) The commissioner and any such vendor shall not disclose
43 controlled substance prescription information reported pursuant to
44 subdivision (3) of this subsection, except as authorized pursuant to the
45 provisions of sections 21a-240 to 21a-283, inclusive. Any person who
46 knowingly violates any provision of this subdivision or subdivision (4)
47 of this subsection shall be guilty of a class D felony.

48 (6) The commissioner shall provide, upon request, controlled
49 substance prescription information obtained in accordance with
50 subdivision (3) of this subsection to the following: (A) The prescribing
51 practitioner who is treating or has treated a specific patient, provided
52 the information is obtained for purposes related to the treatment of the
53 patient, including the monitoring of controlled substances obtained by
54 the patient; (B) the prescribing practitioner with whom a patient has
55 made contact for the purpose of seeking medical treatment, provided
56 the request is accompanied by a written consent, signed by the
57 prospective patient, for the release of controlled substance prescription
58 information; or (C) the pharmacist who is dispensing controlled
59 substances for a patient, provided the information is obtained for
60 purposes related to the scope of the pharmacist's practice and
61 management of the patient's drug therapy, including the monitoring of
62 controlled substances obtained by the patient. The prescribing
63 practitioner or pharmacist shall submit a written and signed request to
64 the commissioner for controlled substance prescription information.
65 Such prescribing practitioner or pharmacist shall not disclose any such
66 request except as authorized pursuant to sections 20-570 to 20-630,
67 inclusive, or sections 21a-240 to 21a-283, inclusive.

68 (7) No person or employer shall prohibit, discourage or impede a
69 prescribing practitioner or pharmacist from requesting controlled
70 substance prescription information pursuant to this subsection.

71 (8) The commissioner shall adopt regulations, in accordance with
72 chapter 54, concerning the reporting, evaluation, management and
73 storage of electronic controlled substance prescription information.

74 (9) The provisions of this section shall not apply to (A) samples of
75 controlled substances dispensed by a physician to a patient, or (B) any
76 controlled substances dispensed to hospital inpatients.

77 (10) The provisions of this section shall not apply to any
78 institutional pharmacy or pharmacist's drug room operated by a
79 facility, licensed under section 19a-495 and regulations adopted
80 pursuant to said section 19a-495, that dispenses or administers directly

81 to a patient opioid antagonists for treatment of a substance use
82 disorder.

83 (11) The provisions of this subsection shall not apply to persons
84 licensed to practice veterinary medicine, surgery or dentistry pursuant
85 to section 20-199 while engaged in the practice of veterinary medicine,
86 surgery or dentistry.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	21a-254(j)
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Statement of Legislative Commissioners:

In the new language in section 1, "section" was changed to "subsection" for accuracy.

GL *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill results in no fiscal impact as it is procedural in nature.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5474

***AN ACT EXEMPTING VETERINARIANS FROM THE ELECTRONIC
PRESCRIPTION DRUG MONITORING PROGRAM.***

SUMMARY:

This bill exempts licensed veterinarians from the electronic prescription drug monitoring program, when practicing veterinary medicine, surgery, or dentistry.

By law, the monitoring program requires the Department of Consumer Protection (DCP) to electronically collect prescription information on certain controlled substances to prevent their improper or illegal use. Current law requires pharmacies and other dispensers, including veterinarians, to report specific information to DCP for each dispensed controlled substance prescription, including the dispensing date, dispenser identification and prescription number, and patient identification data.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 0 (03/18/2014)